

**FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

G.B. "BOOTS SMITH" CORPORATION

PETITIONER

VERSUS

CIVIL ACTION NO. 2:05mc113KS-MTP

**UNITED STATES OF AMERICA;
And FRED JONES, Individually**

RESPONDENTS

JUDGMENT

This matter is before the court on a Petition and an Amended Petition to Quash Summonses **[#1]** and **[#7]** filed on behalf of the petitioner and on a Motion to Dismiss filed on behalf of Fred Jones, Individually **[#11]** and on Answer **[#10]** of the United States requesting enforcement of the summonses. The Court, being fully advised in the premises and having entered a separate Order;

It is Ordered and Adjudged:

That; the Motion to Dismiss **[#10]** is Granted and the petitioner's claim for damages against the United States is dismissed without prejudice, and petitioner's claim against Fred Jones individually is dismissed with prejudice and

That; petitioner's Petition and Amended Petition to Quash Third-Party Summonses **[#1]** and **[#7]** are denied and the respondent's request for enforcement of the summonses in its Answer **[#10]** is Granted and that this matter is dismissed; and

That any other pending motions are dismissed as moot.

SO ORDERED AND ADJUDGED this the 20th day of September, 2006.

s/ *Keith Starrett*
UNITED STATES DISTRICT JUDGE